

Summary of LAWMO's Process For Development of its LEP Policy

In a June 18, 2002 Guidance Document published in the Federal Register, the United States Department of Justice strongly encouraged not-for-profit organizations receiving federal funding to develop written policies to assure that they are providing full service to their non-English speaking clients. A copy of this guidance document, as well as a summary of it are attached hereto as Exhibits 1 and 2, respectively.

In December 2004, the Legal Services Corporation ("LSC") issued its own Guidance Document strongly encouraging legal services programs to each develop their own LEP policy. Both the DOJ Guidance Document and the LSC Guidance Document stress the importance of going through a meaningful process in the development of an LEP Policy.

In early 2005, in response to the DOJ Guidance Document, the LSC Guidance Document and its own desire to assure that it was providing full access to its services to all of its clients, including clients who do not speak English, LAWMO undertook to further research and formalize its LEP Policy.

A summary of the process that LAWMO followed to prepare its LEP Policy is set forth below. The LAWMO LEP policy itself is attached.

A. Self-Assessment and Demographic Analysis

LAWMO first assessed its own language resources and the frequency of its contacts with clients who have limited English proficiency using, among other things, the Department of Justice's Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance, which is attached hereto as Exhibit 3. LAWMO conducted a survey of all its offices to determine the language capabilities of all of its staff members and the frequency of their contacts with non-English speaking clients. LAWMO also implemented a practice of tracking the number of non-English speaking clients who contact each of LAWMO's offices and how those clients are served.

As a matter of practice LAWMO has, for years, tracked the number of non-English speaking clients it serves. In 2004, LAWMO represented clients in 6,143 civil matters. In 554 of these cases (roughly 9 percent), LAWMO's clients were non-English speaking.

The 2000 Census statistics of the five most commonly spoken languages, by county, in LAWMO's service area is attached hereto as Exhibit 4. The 2000 Census indicates that there are roughly 1.6 million people in LAWMO's service area and of these roughly 90,000 (5.6%) do not speak English at home. Thus LAWMO already serves a higher percentage of non-English speaking clients than their representation in the general population. This is due largely to LAWMO's representation of clients in immigration cases and through our Migrant Farmworker Project. These are priority cases for

LAWMO and the vast majority of the clients we represent in these matters are not English speaking.

According to the Census, the top five languages used in LAWMO's service area, other than English, were:

- Spanish (49,000 (3.1%));
- German and other Germanic languages (9,600 (0.6%));
- French, including Patois, Cajun and Creole (6,200 (0.4%));
- Vietnamese (3,400 (.2%)); and
- Italian (1,700 (.1%))

The 2000 Census statistics regarding languages spoken by Missouri residents are attached hereto as Exhibit 5.

Census information showing language population by income was not readily available. Not-for-profit leaders who have extensive dealing with low-income clients who are not proficient in English believe that census data is substantially underestimates the non-English speaking population in LAWMO's service area and, in many ways, is not reflective of the language needs of LAWMO's clients. For example, the experience of LAWMO's casehandlers and of representatives from other not-for-profits working with low-income people in our service area indicates that there is a much greater need for interpreters for our clients who speak Arabic, Somali and Sudanese, than there is for clients who speak German or French.

B. Identification of Community Resources and Needs

After completing our self-assessment, we then assessed the resources available within LAWMO's territory and attempted to determine best practices for meeting the needs of clients and potential clients with limited English proficiency. As part of this process, LAWMO's Deputy Executive Director conducted in-depth interviews with leaders from other not-for-profit organizations in the Kansas City area who have extensive contacts with low-income clients who have limited English proficiency.

The interviews were with:

Gaby Flores, Director of Interpretive Services for Truman Medical Center ("TMC"). TMC is the largest public hospital in LAWMO's territory. In fiscal 2004, TMC served 51,744 adult inpatient days (average daily census 142). TMC had more than 41,000 interpretive contacts in 2004 with low-income patients, which gives it a tremendous wealth of experience;

Steve Weitkamp, Director of Refugee and Migrant Services for Catholic Charities in Kansas City, Kansas. Catholic Charities has a contract with the federal government to provide relocation services for low-income refugees from other countries throughout Kansas. In 2004 Catholic Charities resettled

152 refugees from 10 countries (including 66 Bantu, 20 Liberian, 11 Ethiopian, 10 Sudanese, 19 Hmong, 6 Iranian, 3 Vietnamese, 2 Somali, 6 Sierra Leonans, 3 Bosnians and 6 Eritreans);

Joy Foster, Executive Director, Jewish Vocational Services (“JVS”). JVS has the relocation contract for refugees in Western Missouri. JVS also conducts interpreter training for all interpreters at TMC. In 2004, JVS trained more than 200 interpreters;

David Holtsclaw, Director of Don Bosco’s ESL program. Don Bosco has more than 3,000 students per year. The vast majority of these are low-income. They have provided English language training to individuals from more than 100 different primary languages.

The Deputy Executive Director also interviewed Suzanne Gladney. Ms Gladney is the Managing Attorney for LAWMO’s West Office in Kansas City. Her practice is devoted primarily to immigration law work. In 2004, Ms. Gladney represented over 300 clients with limited English proficiency. Most of these were Spanish speaking, but Ms. Gladney increasingly represents clients who speak other languages. In 2004, these included clients who speak Somali (25-30 clients), Russian or Ukrainian (roughly 25 clients); Portuguese (10-15 clients); and indigenous languages of Mexico and Central America (15-20 clients). A lesser number of Ms. Gladney’s clients spoke Haitian Creole, Vietnamese, Chinese and other Asian languages.

Themes that arose from these interviews included:

- There are numerous not-for-profit organizations in Western Missouri that serve low-income clients with limited English proficiency and most of the organizations are developing their own pools of interpreters and other resources to allow them to provide services to LEP populations. This work is time-consuming and often expensive. There seems to be substantial duplication in this process;
- The vast majority of interpreters/translators used by organizations other than TMC and JVS have little or no training in interpretation or translation services. Often times, family members and friends are used as interpreters, because there are no other viable options. Occasionally, these practices lead to major communication problems. In one extreme example a volunteer Russian interpreter at a women’s shelter is said to have spontaneously told women that they had a duty not to leave their husbands and, in one case, told a man that his wife was at the shelter and gave him the shelter’s address;
- Staff members of the various non-profit organizations have little cultural competency training that applies to providing services for clients who have limited English proficiency;

--TMC, JVS and Catholic Charities have tremendous experience in serving patients/clients who are not proficient in English. LAWMO can learn a great deal from their experience;

--JVS's staff highly competent in providing interpreter training and cultural competency training. The JVS staff also is well on its way to developing an extensive pool of trained, competent interpreters and translators. The focus of the pool is on languages spoken by low-income people in LAWMO's service area.

The individuals interviewed unanimously felt that it would make sense for not-for-profits to form a single pool of interpreters and translators. Pooling resources would be extremely cost-effective. It would also allow not-for-profit organizations to serve a much broader spectrum of the non-English speaking population (e.g. with a pool in place, a not-for-profit would be able to easily find an interpreter for a Pular-speaking client. Without a pool, it may take hours to find one, if one could be found at all).

All of the interpreters/translators in the pool would receive appropriate training and could be monitored to assure the quality of their services. The pool would also provide a central point for development of such resources as Confidentiality Statements and Conflict Disclosure forms for interpreters and translators. The pool would also increase the number of interpretation sessions that could be handled in person, which was seen as an advantage.

As part of LAWMO's review of resources, we also reviewed LEP policies of several other legal services programs, including Legal Services of Eastern Missouri, the Legal Aid Society of Middle Tennessee and the Cumberlands, and Pine Tree Legal Services. LAWMO's Deputy Executive Director also attended a session on the development of LEP policies for legal services programs at the American Bar Association and National Legal Aid and Defender Association's Equal Justice Conference in Austin, Texas in May, 2005.

**C. The Ad Hoc Committee on Providing Full Access to
LAWMO's Services for Clients with Limited English Proficiency**

Having completed its self-assessment and its analysis of community resources and needs, LAWMO formed an ad hoc committee on providing full access to LAWMO's services for client with limited English proficiency. The committee's goals were to create an LEP policy for LAWMO, work toward the development of a broad pool of interpreters and translators that would be available to all not-for-profit organizations in the Kansas City area, as well as throughout Western Missouri and develop strategies for assuring that potential LAWMO clients with limited English proficiency are aware of LAWMO's resources.

Committee members included: leaders of not-for-profit organizations in the area who have extensive interaction with low-income clients who have limited English proficiency; representatives of client groups in which the vast majority of members have limited English proficiency; LAWMO staff members who have regular dealings with clients with limited English proficiency; and LAWMO administrators who would be involved in implementing LAWMO's LEP policy. A list of committee members is attached as Exhibit 6.

The committee held three, two-hour meetings. The first meeting was a brainstorming session, in which committee members came up with basic ideas for an LEP policy. LAWMO used the results of this meeting, as well as a review of LEP policies of other legal services programs and its prior community resource and need evaluation to develop an outline of a LAWMO LEP policy and a timeline for implementation of that policy.

In its second meeting, the committee analyzed and revised the outline of the LEP policy and also developed some basic strategies for LAWMO to assure that it is serving potential clients with limited English proficiency. From this second meeting, LAWMO developed a draft LEP policy. In the third meeting, the committee reviewed and finalized LAWMO's LEP policy and made further suggestions as to how LAWMO can best serve clients and potential clients who have limited English proficiency.

After the first committee meeting, it became clear that the interpreter and translator pool that JVS is developing could be an extremely valuable resource for numerous not-for-profit organizations throughout the region. Accordingly, the committee invited a representative of the Heart of America United Way ("HAUW") to join the committee, in hopes that HAUW would spread the word to many not-for-profit organizations about the pool. We believe that the more organizations that use the JVS pool, the more likely it will be that JVS will be able to maintain a broad spectrum of highly qualified interpreters in numerous languages used by our client populations. A HAUW staff member joined the committee for its second and a second HAUW staff member joined for the third meeting.

Notes from the respective meetings are attached as Exhibit 7. LAWMO's Board of Directors will review and finalize LAWMO's LEP Policy in its October, 2005 meeting. LAWMO will have the policy fully implemented by July 1, 2006. LAWMO's proposed LEP Policy and the Timetable for its implementation are attached hereto as Exhibits 8 and 9 respectively.

The timetable for policy implementation sets objective and quantifiable action steps for implementation of LAWMO's LEP Policy. LAWMO's LEP Director and, ultimately, the Executive Director, will be responsible for implementation of LAWMO's LEP plan.

Finally, the plan establishes methods for monitoring LAWMO's progress in implementing the plan and calls for periodic review and revision of the plan.